

NIXON SAYS NATION NEEDS OLD-TIME PIONEER SPIRIT

Food Stamp Cases Are In Court

BH Man Pleads Guilty; Another Stands Mute

One man pleaded guilty and another stood mute Friday in Berrien Fifth District court when arraigned on charges of welfare fraud involving food stamps.

The arrests are part of investigation in a three-county area into what authorities fear may be deception by some persons in obtaining food stamps. Pleading guilty was Charlie Ray, Jr., 49, of 825 East Main street, Benton Harbor. He was jailed in lieu of \$100 bond to await sentence for the misdemeanor.

Jailed in lieu of \$500 bond after he stood mute to the charge was John Henry Powell, 46, a worker on the farm of Robert Lemon, Lemon Creek road, Berrien Springs. A plea of not guilty was entered for him.

Each is charged with making a false statement to obtain food stamps worth less than \$500.

Ray was arrested by St. Joseph police. On July 2 he allegedly obtained \$84 of food stamps under false pretenses.

Powell was arrested Thursday by Berrien county sheriff's officers in the course of an investigation begun after the department received information that a man was trying to sell \$800-worth of stamps to patrons of a bar.

Det. Fred Reeves said records of the social services department show that a man named Powell drew a total of \$386 in stamps during April, May and June. Officials in Allegan and Van Buren counties also are investigating the case, Reeves said.

Guard Units Will Move To Grayling

LANSING (AP) — The State Highway Department advises motorists units of both the Michigan and Indiana National Guard will be moving to and from Camp Grayling over the next two weeks. Major highways in use by the guard units will include Interstate 75, U.S. 23, 1-69, U.S. 131, U.S. 27, U.S. 127, 1-94 and M-66. The military convoys will be moving at speeds less than normal traffic, at between 30 and 50 miles an hour. Tonight: Josh Wind in the lounge 9-1. Captain's Table, Adv. Pascals Furniture open every Mon. eve. until 9 p.m. Adv.



AMONG THE CROWD: President Nixon mixes with well-wishers at the Fargo, N.D., Airport shortly after getting off Air Force One. Nixon spent a few minutes shaking hands before heading for a scheduled conference with northern Great Plains governors Friday afternoon. The president was greeted by a crowd estimated at 6,000 on his stopover en route to the Western White House at San Clemente, Calif. (AP Wirephoto)

Promise Is Kept

Berrien Deputies Drive Far For Boy And Dog

By BRANDON BROWN
Staff Writer

The uniform may be blue and the badge silver, but the heart is pure gold.

Two off-duty Berrien county sheriff's deputies, with \$26 collected from fellow officers, drove 800 miles round-trip from the Twin Cities to Madisonville, Ky., to reunite a boy and his dog.

The tale of Good Samaritan began last Sunday, when Deputy David Sweet encountered Tony Burden, 13, of Holland, and his black mongrel pup, "Penny," walking along I-94 south of St. Joseph.

The boy told officers he was on his way from Holland to Madisonville, Ky., to live with an uncle there. Deputy Henry Lingel took Tony to the Benton Harbor bus station where the boy bought with his own money

a \$15 ticket.

To comply with bus company rules, Penny was placed in a box with a lid. She wouldn't stay in, so Lingel told Tony to proceed alone and that officers

would see he and the dog were united in Kentucky.

Lingel passed the hat at the sheriff's office and turned \$26 over to Deputies Randy Arndt and Thomas Exum, who left Monday with Penny bound for Madisonville in Arndt's private car.

They delivered Penny to her new residence about midnight Monday, chatted with Tony's uncle about an hour, and slept in the car outside Evansville, Ind., because they couldn't find a motel.

They also spent \$8 each of their own money for gas and food.

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Lake Temperature

The temperature of Lake Michigan at shoreline today is 69 degrees.

Astronauts Are Model For Nation

President On Tour In Plains States

By FRANK CORMIER
Associated Press Writer

SAN CLEMENTE, Calif. (AP) — Exactly a year after welcoming America's moon pioneers back to earth, President Nixon said he would like to see at home the sort of pioneering spirit "that doesn't blame adversity on somebody else but tries to do something about it."

Speaking without notes, Nixon made the remark Friday night before a large—if dissident-studded crowd—in Salt Lake City en route here for an 11-day stay at the Western White House.

Earlier in his transcontinental trip Nixon stopped in Fargo, N.D., to confer on rural problems—especially farm-to-city migration—with five Plains state governors and five upper Middle West mayors.

MOUNTING CHALLENGES

Republicans are mounting strong challenges against incumbent Democratic senators in both states.

Nixon talked about the pioneering spirit while standing on the steps of the Salt Lake City administrative offices of the Mormon Church, flanked by top leaders of that faith.

Friday was "Pioneer Day" in Utah, a holiday marking the 123rd anniversary of the discovery of the Salt Lake valley by founders of the Church.

While scores of antiwar demonstrators made recurrent efforts to drown him out with "Peace Now!" chants, and others chanted "We want Nixon," the President declared that Pioneer Day had a message for all Americans:

"It is that kind of spirit that sees a great problem but, the greater the problem, puts in greater effort; the kind of spirit that doesn't blame adversity on somebody else, but tries to do something about it himself."

WAS ON HORNET

Nixon went on to recall that last July 24 he was aboard the aircraft carrier Hornet to welcome back the first men to land on the moon.

He said that the spirit that took men to the moon—just as it brought the pioneers to Salt Lake City—has "built the greatest country on the earth."

He went on: "And let me remind us all on this day, we in America know that we aren't perfect. We in America know that we have problems. But we also know that we are blessed

(See back page, sec. 1, col. 1)



LAUGH'S ON HER: The laugh appeared to be on Patricia Nixon Friday as she tried her hand at archery in a visit to North Dakota State University at Fargo. Mrs. Richard Nixon and Patricia visited a special summer school project for Indian children while President Nixon met with officials from North and South Dakota, Minnesota, Iowa and Nebraska. (AP Wirephoto)

Beatles Song Led Him To Murder, Says State

Bizarre Theory Explained

By LINDA DEUTSCH
Associated Press Writer

LOS ANGELES (AP) — With a Beatles song spinning in his mind, Charles M. Manson ordered the murders of actress Sharon Tate and six others in hopes of igniting a black-white war, the state says.

To Manson, "Helter Skelter," the title of one of the Beatles' songs, meant the black man rising up against the white establishment and murdering the entire white race," Deputy Dist. Atty. Vincent Bugliosi said in an opening statement Friday at the trial of the hippie-type "family" leader and three followers on charges of conspiracy to commit murder.

Manson interpreted their songs as supporting his philosophies and has "a fanatical obsession with 'Helter Skelter,'" the prosecutor said. The lyrics of the song do not mention race war.

"Helter Skelter" was scrawled in blood on a wall at the home of two of the victims along with "Rise" and "Death to Pigs." The words "Pigs" was written in blood at the Tate home.

Bugliosi said the scrawlings and other evidence were aimed at "making it look like the black people had murdered the five Tate victims and Mr. and Mrs. (Leno) La Bianca, thereby causing the white community to turn against the black man and ultimately lead to a civil war." Manson foresees the black man winning.

The prosecutor said Manson believed the black-white war would be started spontaneously by blacks but "got impatient" and told his clan: "I'm going to show blackie how to do it." Then, said Bugliosi, he ordered the murders.

Manson's vision of the war's outcome, said the prosecutor, was that blacks "would be unable to handle the reins of power because of inexperience and would have to turn over the reins to those with people who had escaped from Helter Skel-

ler, that is ... Manson and his followers."

Miss Tate was slain at her home last Aug. 9 along with four visitors. The next night, 10 miles away, Mr. and Mrs. La Bianca, wealthy market owners, were stabbed to death.

X MARKS SPOT

Manson, 35, arrived at the trial Friday in jail denim, a cross slashed into his forehead, (See back page, sec. 1, col. 8)

Troopers Seeking Quarters



CHARLES M. MANSON

Police Seek Motive In Bomb Death Of Phone Executive

CLAYTON, Mo. (AP) — Police seek a motive in the slaying of Phillip J. Lucier, 49, president of Continental Telephone Co., the third largest independent telephone firm in the nation.

Lucier, father of 11, was killed Friday when a bomb placed under the driver's seat of his car exploded as he turned on the ignition.

James L. Robb and James V. Napier, vice presidents of the firm, were standing by the car waiting for Lucier to back out of a parking space after a luncheon appointment. Neither was hurt.

"It must be a crackpot," said Robb, in charge of operations for the company, adding that Lucier had "no personal enemies."

Lucier, who lived in St. Louis, began as president of the small firm based in the suburb of Clayton in 1961. Since then it has acquired more than 600 independent telephone companies

in the United States and several foreign countries, and its assets have grown from \$26 million to more than \$1 billion.

He was described by a business associate as a "fast and energetic man" who jetted to various facilities but was "never in town long enough to make any enemies."

Police Maj. Herbert Johnston said a parking attendant had been about 40 feet away from the car for the hour it was parked while the three had lunch. "It was a very professional job," Johnston said.

The explosion shredded the front seat of the car, blew a hole in the floor and Lucier must have died instantly, Robb said.

He said Continental had no labor problems and Lucier never mentioned any threats or fears. "The company has made a lot of people wealthy by buying them out," he said.

Lucier was said to have spent

much time with his family and was active on the boards of trustees of Fontbonne College and St. Louis University. Recently he became involved in a campaign to help rehabilitate a St. Louis neighborhood which is racially integrated.

Lucier was a native of Abilene, Kan., where his father was an executive for a telephone company which specialized in merging rural and town telephone systems.

An honor graduate at Notre Dame University and Navy veteran of World War II, Lucier started his career selling equipment for Stromberg-Carlson Corp. in 1945. He rose to assistant treasurer but left in 1961 to form Continental through the acquisition of a 2,000-telephone exchange in Milledgeville, Ill.

The firm's acquisition program in recent years provided a system of nearly 1.6 million telephone in the United States, Canada, and the West Indies.



PHILIP J. LUCIER
Killed by bomb

LANSING, Mich. (AP) — Someone has stolen the official state car of state Atty. Gen. Frank Kelley.

Gone, along with the car, are his top coat, his jogging shirt, shoes and shorts and the sign that says "attorney General-Official Business."

Kelley reported the car was stolen sometime Friday morning while he was staying overnight at a motel in suburban Southfield, outside Detroit.

"I had it locked anyway," he said. "I still have the keys. But maybe they didn't get such a bargain. I put more than 71,000 miles on that car since it was issued to me in April of 1969."

Ray Norberg, Combo at Tosi's Saturday. Garage Sale 2103 Langley, St. Joe. Adv.

THE HERALD-PRESS

Editorial Page

W. J. Banyon, Editor and Publisher
Bert Lindenfeld, Managing Editor

Hey, Whirlpool, How About A Yard Model?

Now is the time when the man of the house needs one of those new fangled Whirlpool "Trash Mashers."

If a householder has done his chores, this is the season when the old homestead shines.

Weeded and fed, caressed by summer sun and warm rain, the lawn and evergreens are at their glossiest best.

The front porch glistens under a coat of fresh paint.

It's enough to make a perpiring papa stretch the kinks out of his aching back, stand tall and survey everything in his domain with pride.

Everything, that is, except the trash.

How come the garage or the backyard always has four bushels of trash messin' up the place?

Well, one reason is that it has to stand for a week before the trash man cometh. And another is that the old boy's better half and kids never let him throw anything away — permanently.

His youngest offspring is 17 and rides a Honda. Yet sentimental Mama salvages the baby scales and tricycle every time her spouse throws 'em out. Each Spring, summoning courage above and beyond his usual weak-kneed stance, he puts 'em on the tree lawn. And comes home from the office at night to find 'em

back in the garage again.

One man we know has been trying for 20 years to give away a hand-powered reel lawnmower.

"Save it," is the distaff dictum.

"If we have a war, there'll be a gasoline shortage."

Another frustrated friend is still mowing around a swing set 10 years after his only child got a PhD.

But the same guy has lost three sets of golf clubs because his wife is home and he isn't when the trash truck arrives.

Whirlpool, the Twin Cities big appliance manufacturer, brought out its Trash Masher only last year. It's proved popular as snowballs in you-know-where.

It's a home appliance that fits under the kitchen counter and compacts a whole week's trash,

four bushels, into one neat little package. Housewives love it.

But the man of the house needs it more. He ought to have a garage model where he can pop in those busted tennis rackets,

rusty skates, worn-out boots,

little league masks and battered toys. Then, just push the button.

That wonderful masher puts an end forever to those sentimental return journeys.

And if a guy survived the vengeance of his spouse and siblings, he could, in truth,

survey a neat domain and say:

"Whirlpool, we love you."

Nation's Capital Gets New Anticrime Statute

The first of President Nixon's crime fighting proposals cleared Congress this week. But not without vigorous dissent and the virtual certainty that the new law's constitutionality will be quickly tested in the U.S. Supreme Court.

On Thursday, the Senate voted 54 to 33 for passage of the Administration's anticrime bill for the nation's capital, complete with controversial "no knock" and "pretrial detention." The vote climaxed a week of debate marked by charges that parts of the bill are repressive and violate constitutional rights.

Most of those against passage were liberals, but Sen. Sam J. Ervin, D-N.C., a strict constitutionalist, led the fight against the bill, passed by the House last week 332 to 64. Ervin called passage "a victory for repressive criminal procedures."

Chiefly in dispute were sections permitting pretrial detention of defendants judged likely to endanger community safety and authorizing police to enter homes without knocking while executing some search and arrest warrants.

Opponents also protested provisions for expanded police wiretapping under court orders, adult trials for juveniles charged with violent crimes such as murder and rape, and mandatory minimum sentences for second offenders convicted of crimes of violence while armed. Other parts of the bill providing for a reorganization of the local courts, more judges, and expanded bail agency, and a public defender system were not disputed.

The measure was in line with recommendations submitted last year by Nixon, who described Washington in his 1968 election campaign as "the crime capital of the world." Other administration crime-fighting proposals still before Congress include

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Mail orders and accepted where carrier service
is available.

Even a full moon reflects only seven per cent of the sunlight falling upon it.

The Enemy Within



GLANCING BACKWARDS

AUCTION TOPS DAY

—1 Year Ago—

The highlight of the program at the Van Buren County Youth fair was the annual 4-H livestock auction, which earned county 4-H members a total of \$17,556.67.

Forty-five county 4-H members auctioned their beef, swine, and sheep this year and the prices paid per pound for the animals was up about six cents over last year's auction price.

ST. JOE VOTES
\$13,000
—10 Years Ago—
St. Joseph city commission

last night voted to pay nearly \$13,000 as its share of expanding Ross field.

A Berrien county circuit court jury gave the Twin Cities the right to condemn nine and a half acres east of the field last Friday. The cost of the property, owned by Mr. and Mrs. Reuben Washburn, was set at \$35,000 but the cost of the legal proceedings will push the cost still higher.

MAY FACE DRIVE AGAINST GOLD POLICIES

—30 Years Ago—
The United States, with a \$20,000,000,000 gold hoard

may be forced into the role of chief defender of the metal against a campaign by goldless nations to undermine its monetary prestige Wall Street bank.

Bankers who have followed closely a warning debate over the future of gold including arguments from Berlin the metal would lose its international exchange worth, said Nazi strategy appeared to be aimed at focusing attention on the United States' gold position in preparation for the post-war fight for trade.

RAIN! RAIN!

—40 Years Ago—

A drought that this week has assumed serious proportions in Berrien county and throughout the southwestern Michigan fruit belt was ended this morning by a "million dollar" rain.

COMMITTEE

—50 Years Ago—

Plans for raising funds to be subscribed by businessmen for the proposed curb lighting system were completed at a committee meeting at the Chamber of Commerce rooms.

NEW HOME

—50 Years Ago—

Contractor C. A. White is beginning a beautiful new residence for W. E. Hayworth of Chicago on the Lake Shore drive just beyond the cemetery.

NEW WALK

—60 Years Ago—

A new sidewalk is being built from the corner of the Jennings store to the Queen Anne market.

DR. COLEMAN

.. And Speaking Of Your Health

A small electronic machine has been widely used in Russia to induce sleep in people with marked insomnia. The device is powered with a battery that sends a slight current painlessly and safely to the brain to help relaxation and sleep.

Dr. Milton Kline, head of the Research Division of the Morton Prince Center for Hypnotherapy in New York City, has been using the Electrosleep instrument for electrosleep in some highly anxious patients. In carefully selected cases there seems to be distinct relaxation.

Dr. Coleman

and even a general improvement in the emotional condition of people who have benefited by this induced sleep.

Electrosleep is being studied carefully all over the United States in order to insure the absolute safety of the instrument. The Food and Drug Administration adds to its overall protection of the American people with a critical eye on all new medical instruments. When they gave their final sanction, all experimental studies will be proved that the electrosleep machine accomplishes its purpose with no dangerous side effects.

In Russia there are more than 250 "Sleep Centers" which, for many years, have been using electrosleep for a large variety of conditions other than insomnia. Their published reports are calling forth great enthusiasm. When confirmed it may be the beginning of similar projects in the United States.

I am particularly referring to the confrontation between students and the general public in the Earth Day activities held at Northwestern University and the University of Michigan campuses. Never before has the general public been more aware of the decline of their environment, particularly the decline of natural scenic wonders.

President Nixon is the first

president in this century to speak of the quality of the environment must be made a general issue rather than thought of as a gift of God.

Unfortunately the commercial

and industrial interests have

sometimes challenged the integ-

uity of township officials and

home owners alike in affected

areas.

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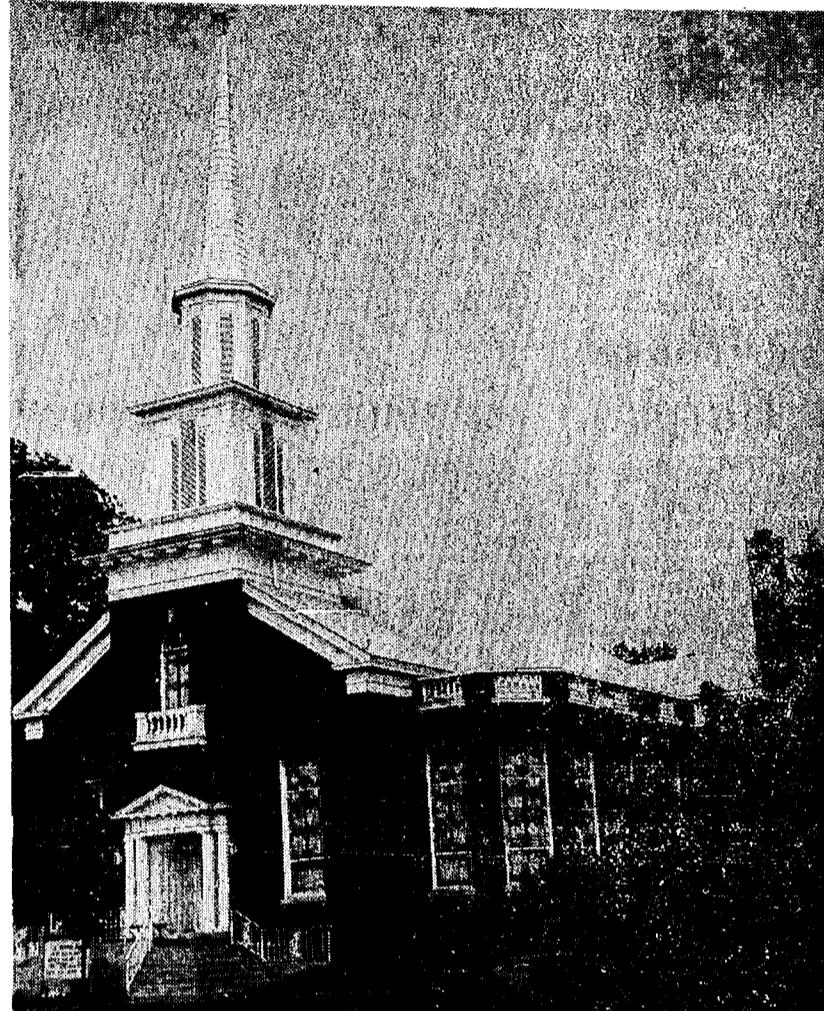
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THE HERALD-PRESS

ST. JOSEPH, MICH. SATURDAY, JULY 25, 1970

Twin City
News

DRUG ADDICT REHABILITATION CENTER EYED



CHURCH CLOSED, NO ADMITTANCE: The Unitarian church located on Main street at Elm street in St. Joseph, has been closed to the public due to a hazardous situation in the ceiling. The building is reported to be about 100 years old. (Staff photo)

St. Joe Serves Notice

Time Parts Wood Pegs, Church Ceiling Sags

Possibility of the ceiling in the Unitarian church falling down has prompted the City of St. Joseph to close the building this week.

Contractors are checking into the situation and expect to outline the repair project for church leaders shortly. The church is located on Main street at Elm street in St. Joseph. It is one of the city's oldest landmarks, believed built a century ago.

Marvin Fuller, president of the Unitarian congregation, said services have not been held during the summer. Some maintenance work has been scheduled for next month and it may be possible to complete repairs on joists holding up the ceiling in time for the resumption of services in the fall.

Tom Sparks, city building inspector, posted the notice closing the church following an inspection of the ceiling framework.

Sparks said a workman with a building maintenance firm noticed the ceiling had dipped in places. Investigation disclosed that wooden pins used in the century-old beams had parted and there is nothing holding up the cross beams which hold up the ceiling.

BASIC STRUCTURE OK

Sparks said there is nothing wrong with the overall structure of the church. The roof is held up by hand hewn, foot-square timbers. At the base of the roof trusses are the beams that hold up the ceiling. These beams are mortised into the roof supports with wooden pins. These wooden pins have parted and in time the weight of the plaster ceiling would cause it to fall. Sparks said.

Fuller said Dave Osmer, Grand Rapids contractor, who specializes in church steeple maintenance and repair, is checking to see how extensive

the damage is. The Christian church is the organization to feel directly the order to close the church. That church had been using the Unitarian facilities until its new church on Niles avenue next to the Riverview park entrance is completed. The new church is expected to be ready in a couple of weeks.

Officials of the Christian church announced they had made arrangements to hold services Sunday at 8:30 a.m. at St. Mark's Lutheran church, Napier avenue and Union street in Fairplain. There will be no Sunday school, however.

The Unitarians purchased the church from the Evangelical United Brethren church two years ago when that group merged with the Methodist church. Before that the church was the home of the First Congregational church now housed in a new edifice on Niles avenue.

He warned, however, not to expect 100 per cent results. "If you can get 30 to 40 per cent of the users to stay in the home, face the hard work and learn responsibility, you can feel successful."

"The more difficult demands you put on an addict the more you get him used to facing the hard life of reality. Make 'em kick it like they shot it," he told the committee members in an afternoon session.

McFadden said nothing definite had been decided for the area but he hoped work for the center could be off the ground before he leaves the school district next month.

Other members on the committee are: Selma Perkins, of LMC secretary; Guy Huddleston, William Murray and Kay Masini, both from Benton Harbor's Community Education; Rance Deckard, Benton Harbor schools; Rev. Gary Gamble, St. Joseph United Methodist church; Ben Davis, Model Cities; Dr. Robert Loecey and Dennis Wheeler, Berrien county health department; Dr. Girard Rooks, mental health department; and Nancy Lawrence, David Smith and Richard Berman.

Friends here have just learned of the death July 4 of Carlton B. Roels, one of the most successful coaches of all time in midwestern high school football.

Mr. Roels, who coached Benton Harbor high school 1938-43, died in a Wisconsin Rapids hospital after having been seriously ill for seven weeks. He was 72 years old.

He and his wife, Edna, lived at Neillsville, Wis., and were about to go to their cottage at Cross Lake, Minn., when he was stricken. Burial was in Acacia cemetery, St. Paul, Minn.

Mr. Roels had retired after a 41-year coaching career in five states. His six season record in Benton Harbor was 40 victories, 5 defeats and 6 ties. His 1940 and 43 teams were undefeated and acclaimed as state champions. The '40 team produced Benton Harbor's first victory over Muskegon in 32 years.

He had 14 undefeated football

teams overall in his career and coached 17 teams that won basketball championships.

Mr. Roels last visit to Benton Harbor was a year ago for the BHHS alumni banquet.

Other survivors are three daughters, Mrs. Virginia Hoppe, Dearwood, Minn.; Mrs. Carol Porter, Laurel, Md., and Mrs. Myabelle Stanley, St. Louis, Mo., and eight grandchildren.

The car was driven away and began circling the service station with the police car in pursuit. The officers said the siren was used in an attempt to stop the driver.

YOUTH JAILED

Chase Around Service Station Ends In Arrest

Two Berrien county sheriff's

detectives ended a game of

near the station, they said, were

almost hit by the car under

pursuit.

The officers said the case be-

gan when an obscenity was

shouted at them as they drove

into the parking area. They

said they pulled alongside the

car and identified themselves as

police officers.

The car was driven away

and began circling the service

station with the police car in

pursuit. The officers said the

siren was used in an attempt

to stop the driver.

Twin Cities Group Plans First Steps

Chicago Gateway House Official Gives Pointers

By SANDRA ENGLE
Staff Writer

Volunteers from several community social and educational agencies met yesterday to plan the first steps toward creating a rehabilitation center for drug users in the Twin Cities area.

Stephen Kraatz of Lake Michigan College community services, and Gene McFadden, assistant superintendent for community education of the Benton Harbor schools, have been co-chairmen of a volunteer drug clinic committee that has met during the past two months.

The men met yesterday with Carl Charnett, the director of dynamics of Gateway House in Chicago, a community rehabilitation home for drug users.

APPROACHED BY USERS

McFadden said he had visited the house after he and Guy Huddleston, coordinator from the local department of vocational rehabilitation, had both been approached by some 20 drug users locally who asked for help.

Charnett, an ex-addict, also spoke before some 150 agency representatives and local citizens in the morning at LMC's Britain avenue campus, where he described the work of Gateway House, his own life as a former dope addict and the drug problem in general.

Here as a consultant, Charnett told the drug committee its best probable approach to the problem would be to establish a residential type house, where some 50 addicts could live and work towards rehabilitation.

He estimated the cost, excluding facilities at \$125,000 a year for the care of the 50 addicts, staff personnel and operations.

FUNDS AVAILABLE

Advocating an ex-addict who had been "clean" (a non-user) for about four years, as the director, Charnett said funds were readily available for such a program from the federal bill to fight crime in the streets, state law enforcement agencies and state mental health departments.

He warned, however, not to expect 100 per cent results. "If you can get 30 to 40 per cent of the users to stay in the home, face the hard work and learn responsibility, you can feel successful."

"The more difficult demands you put on an addict the more you get him used to facing the hard life of reality. Make 'em kick it like they shot it," he told the committee members in an afternoon session.

McFadden said nothing definite had been decided for the area but he hoped work for the center could be off the ground before he leaves the school district next month.

Carlton B. Roels



SOUNDS OF MUSIC: The Benton Harbor high school alumni banquet Aug. 8 will be full of musical nostalgia with the theme "Music of the Decades." Some of the sounds will be provided by (left to right) Robert Sill, Will Harmon, Mrs. Betty Hunt, Mrs. Marion Forbes and Thomas Millar. Reserva-

tions should be made by Aug. 5 with Mrs. Robert Garey, Tanglewood trail, St. Joseph. Paul Florin is chairman of the banquet which will salute the 50 year class of 1920 and welcome the class of 1945 to the ranks of "old timers." The banquet will be at 6:30 p.m. at Hilton Inn. (Staff photo)

BH Kids To Tour Cook Plant

Trips Sponsored By Tri-CAP

A trip to the Donald C. Cook nuclear power plant at Bridgeman will highlight next week's activities for youngsters in the summer recreation program in Benton Harbor and Benton township.

Wallace L. Dunn, Jr., recreation coordinator for the Tri-County Community Action Program, said the trip to the power plant will be on Friday, July 31. Last Wednesday, 137 youngsters toured the Kellogg plant at Battle Creek. On Wednesday, 383 attended a free movie at the State theater.

Another movie will be shown Aug. 13 and field trips will be held weekly for the balance of the program ending Aug. 28.

Next week's schedule:

Monday — InterCity park volleyball competition.

Tuesday — InterCity park basketball.

Wednesday — Cookout; archery and air rifle instruction by Ron Inman and Ken Purnell of YMCA, 11 a.m. Union park, 3 p.m. Hall park.

Thursday — InterCity park softball.

Friday — Swimming and field trip to nuclear power plant.

Arrangements for field trips should be made through park supervisors — Mrs. Lovie Setzer, Fair and Highland; Harold Wheeler, Union; Miss Patricia Robinson, Hall; Miss Lauren Agas, Broadway; Eric Jones, Edwards, and the staff at Blossom Acres community center.

Friends here have just learned of the death July 4 of Carlton B. Roels, one of the most successful coaches of all time in midwestern high school football.

Carlton B. Roels



Ex-Harbor Grid Coach Roels Dead

Ex-Harbor Grid Coach Roels Dead

Carlton B. Roels

ST. JOSEPH, MICH., SATURDAY, JULY 25, 1970

Manpower Unit Will Foot Bill



BUSY QUEEN: Miss Cathy Boyce, 19, will reign over the Saugatuck Venetian Day festivities today, officiate at Douglas centennial observance next month, and will compete for the title Miss Harvest Queen at the Allegan County fair in September. A daughter of Mr. and Mrs. James Boyce of Saugatuck, she will be a junior at Grand Valley state college this fall. (Prosch-Jensen photo)

Miss Saugatuck-Douglas Cathy Boyce Rules Over Venetian Day

SAUGATUCK — Miss Cathy Boyce, 19, daughter of Mr. and Mrs. James Boyce of Saugatuck, was chosen Miss Saugatuck-Douglas last night at festivities around the Butler hotel. She also won the title of Miss Douglas centennial. Festivities for the village's 100th birthday began last fall and will climax with many events next month.

Chosen first runner-up was the queen's 18-year-old sister, Vicki. She has brown hair and hazel eyes, and will also attend Grand Valley college.

The other contestants were Debbie Quade and Beverly Van Os. They will accompany the queen on the local float during the Allegan county fair. During the fair the new queen will compete for the title of Miss Harvest Queen.

Miss Boyce will preside over Venetian Day festivities today, which will feature sail boat races, a kite water show, and the bagpipe band of the Saladin Shrine club of Holland.

Art displays and exhibits free throughout the day and the main event will be the Grand Venetian parade of lighted and decorated yachts. This will begin at 9 p.m. on Kalamazoo Lake, and end with a huge fireworks display.

Michigan Tech Honors Four From Area

Four Michigan Tech university students from southwestern Michigan won a place on the dean's list for academic achievement in the spring semester.

Bryan L. Newville of Benton Harbor achieved a 4.0 or straight A grade average.

Also on the list are James M. Henningsen and Theodore K. Houghtaling, both of Buchanan, and James T. Tulk of Allegan.

Money's Use Has Led To Hassle

Tri-CAP Wants \$17,000 It Says Still Owing

The Manpower Advisory council has agreed to see that the Tri-County Community Action Program (Tri-CAP) is repaid the \$17,000, which the new Tri-CAP director claims was misappropriated to the Manpower Center in the Twin Cities.

Stanley Rogers, chairman of the council and manpower department manager of the Michigan Employment Security commission office in St. Joseph, said the agreement was reached at a meeting Thursday. Working out details of obtaining the repayment money remains to be completed.

The manpower training center, which has the eye-popping official name of Comprehensive Multi-Educational Development System, serves as a training agency for people sent to it by six different state, federal and local agencies here. Its purpose is to provide attitudinal training, or employment orientation, for unemployed whose work records or attitudes make them difficult to place in jobs. It does not offer occupational skill training.

SPONSORS TO PAY

Rogers said money to repay Tri-CAP likely can come from monthly surpluses in operating revenue the center gets from the six sponsoring agencies. The surplus is resulting, he explained, from the fact the state agencies pay for their trainees on completion of the courses rather than at the beginning. Rogers characterized the \$17,000 figure due back to Tri-CAP as a "loan" to get the center's program started originally.

Rogers said the Tri-CAP audit that showed the \$17,000 figure will be used to help determine the amount to be repaid.

But audits are also planned by WIN (Work Incentive program) and the MESC part of the manpower center program, and possibly other sponsoring agencies.

Rogers said he assumes these audits will agree with the Tri-CAP audit on the \$17,000 figure. If not, he stated, the auditors probably will be instructed to negotiate a repayment amount.

The sponsoring agencies of the center, in addition to Tri-CAP, MESC and WIN, are State Department of Vocational Rehabilitation, Concerted Services Unit of the Berrien County Department of Social Services, and the Benton Harbor Schools Community Education program.

SCLC Tells Change In Rally Site

DOWAGIAC — The location of Today's Southern Christian Leadership conference rally has been changed from Lions Park to 405 Thickston Street, grounds of the Friendship Baptist church, according to Mrs. E. E. Harden, wife of the president of the newly organized SCLC unit in Cass County.

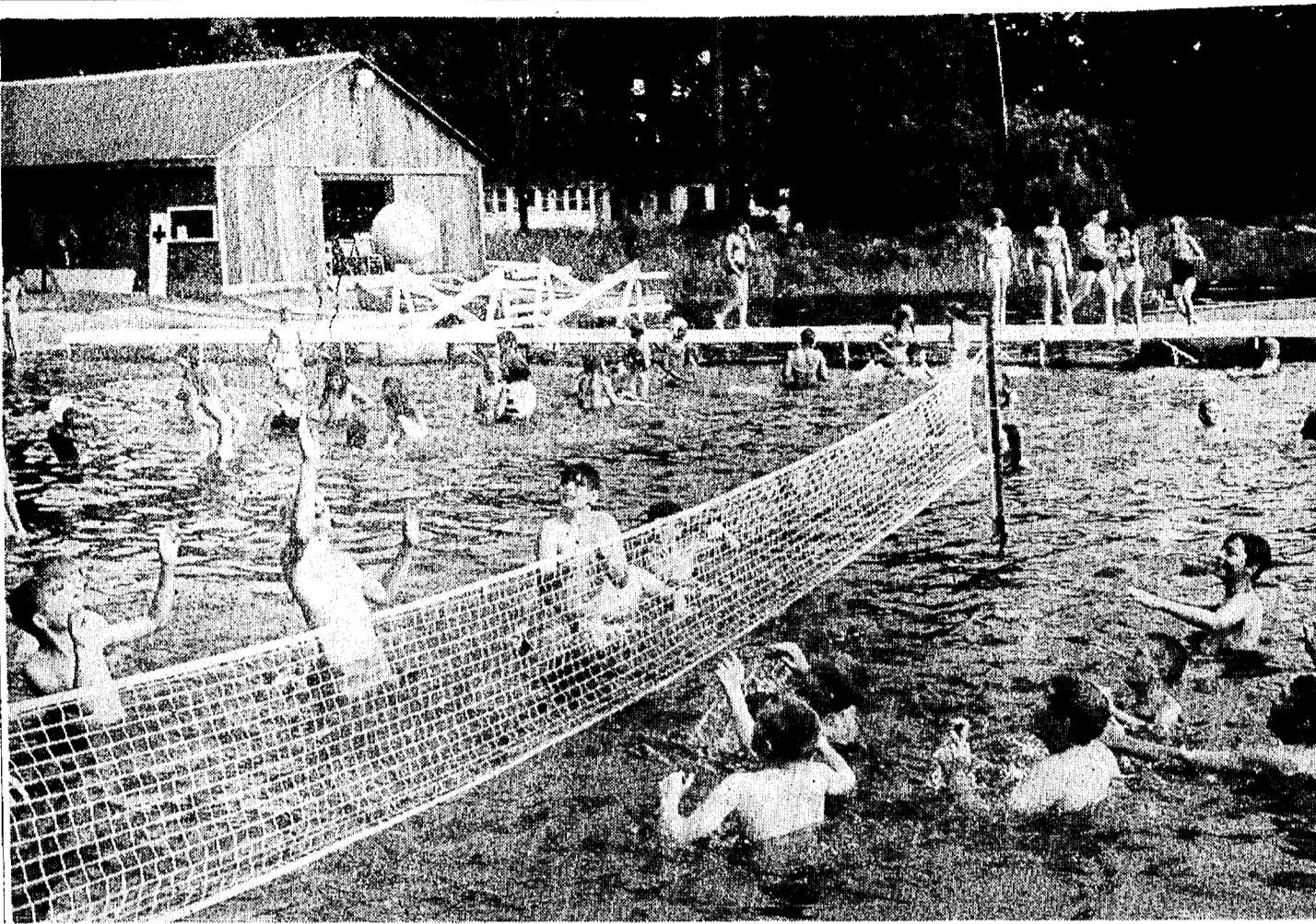
The change in location was made after Police Chief George Grady declined to issue a permit for use of a public park because of fears of "possible violence." Grady cited assaults on Tri-County Community Action Program officials Wednesday in Benton Harbor.

Mrs. Helen Ford, Tri-CAP director, is scheduled to be among the speakers at the rally. The Rev. Harden is Tri-CAP youth economic development director.

Two Named To Elevator Board

LANSING (AP) — Gov. William Milliken has reappointed two members of the State Elevator Safety Board for terms expiring July 22, 1974. Renamed were Michael Mullett Jr. of Detroit and Charles Perrett of Marshall.

Also on the list are James M. Henningsen and Theodore K. Houghtaling, both of Buchanan, and James T. Tulk of Allegan.

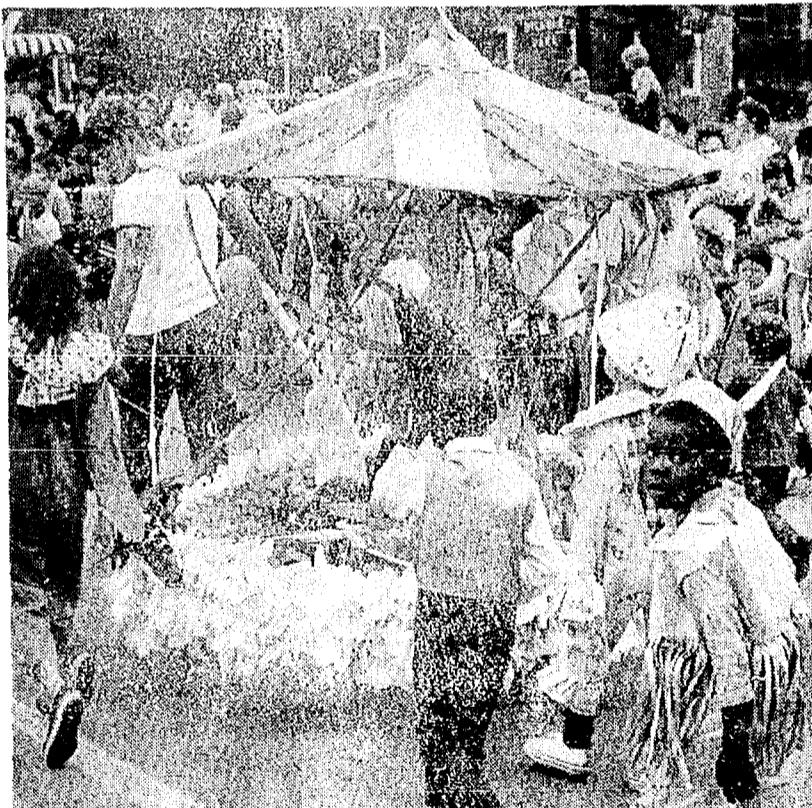


AT 4-H CAMP: Part of the group of approximately 130 4-H'ers from Berrien county are seen enjoying a game of water volleyball at Great Bear lake near Bloomingdale. The youngsters will

return home Sunday from their week of fun-filled activities at the camp. (Photo by Bonnie Both)

SOUTH HAVEN

Blueberry Is Honored



KIDDIES DAY: An estimated 1,300 South Haven area youngsters participated in the National Blueberry Festival Kiddies parade Friday. The month-long festival ends this weekend. Highlighting today's activities are a baking contest, pie eating competition and an adult dance tonight featuring Tex Beneke and his Orchestra. A sports car rally is scheduled tomorrow.



LOOK ALIKES: Four-year-old Julius Franklin of South Haven won a prize for dressing the most like Bozo the Clown, who visited the National Blueberry festival kiddies parade Friday. An estimated 1,300 South Haven area youngsters participated in the parade. (Tom Renner photos)

Palisades Hearing Is Recessed

Nuclear Plant License At Issue

By TOM RENNER
South Haven Correspondent
KALAMAZOO — An Atomic Energy Commission licensing board hearing, which is considering whether to issue an operating permit to Consumer's Power company for its Palisades nuclear plant, has been recessed until next Wednesday.

The recess was ordered after the board instructed the AEC staff to produce on-site inspection reports to conservation groups which are protesting the issuance of the license for the \$125 million facility.

The three-member board ordered preparation of the reports despite objections from counsels for both Consumer's and the AEC regulatory staff.

The AEC staff objected to the request because of its "untimeliness." The AEC staff had estimated it would take 30 days to reproduce the numerous inspection reports, but said it would quicken the process in time for the Wednesday hearing.

Attorneys for Consumer's and the intervening conservationists were instructed to hold "informal sessions" before Wednesday's resumption in order to reach points of procedural agreement.

Most of the time in the seven-day hearing has been spent in arguing procedural points, and very little evidence as to the pros and cons of issuing a license has been entered.

The licensing board said it would meet through next Friday and that if all evidence is not received by then it would recess indefinitely.

Consumer's officials have been hoping for the license decision by Aug. 21 so that the plant can be in operation in time for a predicted record winter peak.

"Things look pretty gray at this point," admitted Consumer's public relations director Jack Dyer. "The informal sessions between lawyers should tell if the hearing will have an orderly conclusion," he said.

Kuifing Near Berrien Springs Is Investigated

Mrs. Vibiana Escobar, 29, of the Leonard Frank farm, Deans Hill road, Berrien Springs, was reported recovering today in Berrien General Hospital, Berrien Center, from a knife wound of the abdomen.

Berrien county sheriff's deputies said Mrs. Escobar reported being involved in an argument Friday with a man inside her living quarters at the farm. No arrest was made.

43rd DISTRICT Candidates Will Meet The Voters

Voters in the 43rd Representative District will have an opportunity to meet the Republican and Democratic candidates 8 p.m. Tuesday in the Lakeshore High School Gymnasium, Stevensville.

Republican candidates Harry Gast, Larry L. Grosser, Ray Leatz and John Weakley, and Democratic candidate James Booth will be on hand to speak and answer questions.

Sponsored by the Lakeshore Education Association, the focus will be on educational issues, but other topics of interest will be open for discussion.

Suit Seeks To Block Building

Protest Project In New Buffalo

Four persons living within a half-block of a proposed \$6 million condominium project in New Buffalo filed legal action in Berrien county circuit court Friday to block the development.

The four contend, through their attorney, Charles LaSala, Niles, that the project violates the city's basic plan and will create a nuisance. They claim, if carried out, they will suffer losses totalling \$500,000.

The four seek a restraining order to stop the developer from starting work and to stop the city's building inspector for issuing a permit to proceed. They ask the court to overturn a city council decision which cleared the way for the project.

The decision rezoned the 28-acre site bordering Lake Michigan at the Water street-Shore drive intersection from residential to multi-family use.

Under the council action, Gerald M. Pals and Associates, South Holland, Ill., could begin work on the five-story 350-unit development when the zoning change takes effect Aug. 11.

Filing the suit were Raymond Jess Huet, 1420 Water street, Mrs. Arlene F. Funk, 1420 Water street, Mrs. Eleanor M. Ohms, 1425 Shore drive, and Mrs. Linda Clemens, 1409 Water court, all New Buffalo.

Named as defendants were the city of New Buffalo, the city building inspector, Bert Shedd, Pals, and Peter M. and Bertha Kerhulias, St. Joseph, owners of the land.

Huet said the legal action came in the wake of no favorable action by the city on petitions opposing the project. He said the petitions bore some 530 signatures and were filed with city officials during public hearings on the proposal.

LEGAL NOTICES

RETIREMENT ORDINANCE
AN ORDINANCE TO
AMEND THE CITY OF
ST. JOSEPH EMPLOYEES'
RETIREMENT SYSTEM
ORDINANCETHE CITY OF ST. JOSEPH
ORDAINS:RETIREMENT SYSTEM
CONTINUED; EFFECTIVE
DATE:

Section 1. The City of St. Joseph Employees' Retirement System, established by ordinance adopted June 14, 1948, and amended February 6, 1956, August 15, 1960, and December 10, 1962, is hereby further amended to amend Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41; to repeal Sections 5, 17, 44, 45 and 46; and to add new Sections 20.2, 39(a), 44, and 45, as herein set forth. The effective date of the retirement system remains July 1, 1948.

DEFINITIONS:

Section 2. The following words and phrases as used in this ordinance, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(1) "City" means the City of St. Joseph.

(2) "Commission" means the Commission of the City of St. Joseph.

(3) "Retirement system" or "system" means the City of St. Joseph Employees Retirement System.

(4) "Board" means the board of trustees provided in this ordinance.

(5) "Member" means any person who is included in the membership of the retirement system.

(6) "Retirant" means any member who retires with a pension payable by the retirement system.

(7) "Beneficiary" means any person, except a retirant, who is in receipt of, or who is designated to receive, a pension or other benefit payable by the retirement system.

(8) "Employee", for the purpose of the retirement system, means any person in the employ of the city whose services are compensated by the city. The term "employee" shall include officers of the city.

(9) "Service" means personal service rendered to the city by an employee of the city.

(10) "Credited service" means the service credited a member as provided in this ordinance.

(11) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the board shall from time to time adopt.

(12) "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to his individual account in the members savings fund, together with regular interest thereon.

(13) "Compensation" means a member's salary or wages paid by the city for personal services rendered by him to the city. In case a member's compensation is not all paid in money the city manager shall fix the value of the portion of his compensation which is not paid in money.

(14) "Final average compensation" means the average of the highest annual compensations received by a member during a period of 5 consecutive years of his credited service contained within his 10 years of credited service immediately preceding the date his employment by the city last terminates. If he has less than 5 years of credited service his final average compensation shall be the average of his annual compensations for his total period of service.

(15) "Final compensation" means a member's annual rate of compensation at the time his city employment last terminates.

(16) "Pension" means an annual amount payable, in equal monthly installments by the retirement system, throughout the future life of a person, or for a temporary period, as provided in this ordinance.

(17) "Pension reserve" means the present value of all future payments to be made on account of any pension. A pension reserve shall be computed upon the basis of such mortality and other tables of experience, and regular interest, as the board shall from time to time adopt.

(18) "Policeman or fireman member", or "policeman and fireman" means any employee in the police department of the city who holds the rank of patrolman, including probationary patrolman, or higher rank; and any employee in the fire department of the city who holds the rank of fireman, including probationary fireman, or higher rank. The terms "policeman or fireman member" and "policeman and fireman" shall not include (1) any person who is privately employed as a policeman or fireman, nor (2) any person who is temporarily employed as a policeman or fireman, nor (3) any civilian employee in the police or fire department.

(19) "General member" means any member except a policeman or fireman member.

(20) "Covered member" means any member who is covered by the federal social security old-age, survivors', and disability insurance program on account of his city employment.

(21) "Non-covered member" means any member who is not covered by the federal social security old-age, survivors', and disability program on account of his city employment.

(22) "Retirement" means a member's withdrawal from city employment with a pension payable by the retirement sys-

tem.

(23) "Workmen's compensation period" means the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment. If he is paid a single sum in lieu of his future workmen's compensation his "workmen's compensation period" shall be the sum of the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum by his weekly workmen's compensation award. In the absence of a weekly workmen's compensation award, the award, for the purpose of this definition, shall be considered to be 1/2 of 1 percent of the member's final average compensation.

(24) "Voluntary retirement age" shall be age 60 years for a general member and age 55 years for a policeman or fireman member.

(25) The masculine gender shall include the feminine gender, and words of the singular number with respect to persons shall include the plural number, and vice versa.

MANAGEMENT OF RETIREMENT SYSTEM:

Section 3. The general administration, management and responsibility for the proper operation of the retirement system and for construing and making effective the provisions of this ordinance are vested in a board of trustees.

BOARD MEMBERSHIP:

Section 4. (a) The board of trustees shall consist of 5 trustees, as follows:

(1) A city commissioner to be selected by the commission, to serve at the pleasure of the commission.

(2) The city manager, to serve by virtue of his position.

(3) A citizen, who is an elector of the city and who is not a member, retirant or beneficiary of the retirement system, to be appointed by the commission.

(4) A policeman or fireman member to be elected by the police and firemen members.

(5) A general member to be elected by the general members.

(b) The policeman or fireman member trustee and the general member trustee shall be elected under such rules and regulations as the board shall from time to time adopt.

SECTION 5. RESERVED.

TRUSTEE'S TERM OF OFFICE: COMPENSATION; OATH OF OFFICE:

Section 6. (a) The term of office of the citizen trustee, policeman or fireman member trustee, and general member trustee, shall be 3 years, one such term to expire September 30 of each year.

(b) The trustees shall serve without additional compensation for their services as trustees.

(c) Before assuming the duties of trustee each trustee shall qualify by taking an oath of office to be administered by the City Clerk.

VACANCY ON BOARD:

Section 7. In the event any trustee, except the appointed citizen trustee, ceases to be employed by the city, or should any trustee, except the city manager, fail to attend scheduled meetings of the board for 5 consecutive meetings, unless in each case excused for cause by the remaining trustees attending such meetings, he shall be considered to have resigned from the board and the board shall by resolution declare his office of trustee vacated as of the date of adoption of such resolution.

FILLING VACANCY ON BOARD:

Section 8. Any vacancy occurring in the office of trustee shall be filled, within 90 days from and after the date the vacancy occurred, for the unexpired portion of the term in the same manner as the office was previously filled.

BOARD MEETINGS; QUORUM; TRUSTEE'S VOTE:

Section 9. (a) The board shall hold meetings regularly, at least one in each 3 months, and designate the time and place thereof. The board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the board shall be public.

(b) Three attending trustees shall constitute a quorum at any meeting of the board. Each trustee shall be entitled to one vote on each question before the board and at least 3 concurring votes shall be necessary for a decision by the trustees at any meeting of the board.

OFFICERS OF RETIREMENT SYSTEM; EMPLOYMENT OF SERVICES:

Section 10. (a) The board shall elect from its own members a chairman and a chairman pro-tem.

(b) The officers of the retirement system shall be the following:

(1) The director of finance shall be secretary to the board and he shall be the administrative officer of the retirement system.

(2) The director of finance shall be treasurer of the retirement system and he shall be the custodian of its assets.

(3) The city attorney shall be the legal advisor to the board.

(4) The board shall appoint an actuary, who is a member of the American Academy of Actuaries, to be the technical advisor to the board on matters regarding the operation of the retirement system. He shall perform such other duties as are required of him under this ordinance.

(5) The board shall appoint a medical director a physician

who is not eligible to participate in the retirement system as a member, retirant or beneficiary. He shall be responsible to and shall hold office at the pleasure of the board. He shall arrange for and pass upon all medical examinations required under this ordinance; he shall investigate all essential statements and certificates of a medical nature submitted in connection with a claim for a disability or duty death pension and he shall report in writing to the board his conclusions on medical matters referred to him by the board.

(c) The board may employ investment counseling services and other services as it shall determine to be necessary in the proper operation of the retirement system. The compensation for such services shall be subject to the approval of the city manager and the commission.

RECORDS; ANNUAL REPORT:

Section 11. The secretary shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

If he is paid a single sum in lieu of his future workmen's compensation his "workmen's compensation period" shall be the sum of the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum by his weekly workmen's compensation award.

(d) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

If he is paid a single sum in lieu of his future workmen's compensation his "workmen's compensation period" shall be the sum of the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum by his weekly workmen's compensation award.

(e) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

If he is paid a single sum in lieu of his future workmen's compensation his "workmen's compensation period" shall be the sum of the period, if any, he was in receipt of weekly workmen's compensation plus the period arrived at by dividing the said single sum by his weekly workmen's compensation award.

(f) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(g) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(h) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(i) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(k) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(l) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(m) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(n) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(o) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

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(t) The board shall receive service credit for the period a member, retirant or beneficiary, is in receipt of weekly workmen's compensation on account of a member's disability or death arising out of and in the course of his city employment.

If he is paid a single sum in lieu of his future work

LEGAL NOTICES

(Continued from page 18)

ment the difference between his pension reserve and his accumulated contributions shall be transferred from the pension reserve fund to the retirement reserve fund. If at the end of any fiscal year the balance in the retirement reserve fund is less than its actuarially computed liabilities the amount of the deficiency shall be transferred from the pension reserve fund to the retirement reserve fund.

EXPENSE FUND:

Section 36. The expense fund shall be the fund to which shall be credited moneys provided by the city to pay the administrative expenses of the retirement system, and from which all such expenses shall be paid.

FISCAL MANAGEMENT:

Section 37. (a) The board shall be the trustees of the assets of the retirement system and shall have full power to invest and reinvest such assets in accordance with the provisions of Act No. 314 of the Public Acts of 1965, as amended, and as the act might from time to time be amended or superseded. The board shall have the power to hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the system have been invested, as well as the proceeds of the investments and any moneys belonging to the system.

(b) There shall be kept on deposit available cash not to exceed 5 per cent of the total assets of the retirement system. All assets of the system more than he would have been entitled to receive had the records been correct, the board shall correct such error and as far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to which the person was correctly entitled shall be paid.

REPEAL OF CONFLICTING ORDINANCE PROVISIONS:

Section 42. All provisions of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

VALIDITY:

Section 43. If any provisions, section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or inoperative or shall be held by any court to be unconstitutional, the remainder of the provisions of this ordinance shall nevertheless continue in full force and effect.

(c) The description of the various funds of the retirement system shall be interpreted to refer to the accounting records of the system and not to the segregation of assets in the funds of the system.

METHOD OF MAKING PAYMENTS:

Section 38. All payments from moneys of the retirement system shall be made according to provisions of charter and ordinance governing the disbursements of moneys from the city's general fund. No payment shall be made from moneys of the system unless such payment has been previously authorized by a specific or continuing resolution adopted by the board.

INCOME FUND; ALLOWANCES OF REGULAR INTEREST:

Section 39. (a) The income fund shall be the fund to which shall be credited all interest, dividends, and other income received from investments of the retirement system, all gifts and bequests, all unclaimed accumulated contributions as provided in this ordinance, and all other moneys received by the system the disposition of which is not specifically provided in this ordinance. There shall be transferred from the income fund to the members savings fund, pension reserve fund, and retirement reserve fund the amounts required to credit regular interest to the fund. Whenever the balance in the income fund is more than sufficient to cover current charges to the fund such excess may be used to provide contingency reserves or may be transferred to the pension reserve fund, as the board shall determine. Whenever the balance in the income fund is insufficient to meet the charges to the fund such excess shall be transferred to the income fund from the pension reserve fund, as the board shall determine. A member's accumulated contributions transferred to the income fund, as provided in this ordinance shall be paid from the income fund to the member, or his legal representative, upon valid claim for same approved by the board.

(b) At the end of each fiscal year the board shall allow and credit regular interest to each member's account in the members savings fund; such interest shall be computed upon the differences between a member's balance in the fund at the beginning of the year and the withdrawal, if any, made by him during the year. At the end of each fiscal year the board shall allow and credit regular interest to the pension reserve fund; such interest shall be computed upon the mean balances in the respective funds during the year. The interest so allowed and credited to the various funds shall be transferred from the income fund.

ASSIGNMENTS PROHIBITED:

Section 10. (a) The right of a person to a pension, to the return of accumulated contributions, the pension itself, any other right accrued or accruing to any member, refundant, or beneficiary, under the provisions of this ordinance, and the moneys belonging to the retirement system, shall not be

subject to execution, garnishment, attachment, the operation of insolvency or bankruptcy law, or any other process of law whatsoever, and shall be unassailable, except as is specifically provided in this ordinance.

(b) Should a member be covered by a group insurance or prepayment plan participated in by the city, and should he be permitted to, and elect to, continue such coverage as a refund, he may authorize the board to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan. The city shall have the right of set-off for any claim arising from embezzlement or fraud of a member, refundant, or beneficiary.

CORRECTION OF ERRORS:

Section 41. Should any change or error in the records of the retirement system or the city result in any person receiving from the system more or less than he would have been entitled to receive had the records been correct, the board shall correct such error and as far as practicable shall adjust the payment in such manner that the actuarial equivalent of the benefit to which the person was correctly entitled shall be paid.

REPEAL OF CONFLICTING ORDINANCE PROVISIONS:

Section 42. All provisions of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

VALIDITY:

Section 43. If any provisions, section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or inoperative or shall be held by any court to be unconstitutional, the remainder of the provisions of this ordinance shall nevertheless continue in full force and effect.

RETIREMENT ALLOWANCES CONTINUED:

Section 44. The annuities, pensions, and retirement allowances being paid refundants and beneficiaries as of June 30, 1970, shall continue to be paid in accordance with the provisions of the retirement system in effect June 30, 1970.

EFFECTIVE DATE:

Section 45. The 1970 amendments to the retirement system ordinance, enacted in accordance with Section 4, Chapter II, as amended, of the Charter of the City of St. Joseph, shall become effective as of July 1, 1970.

Passed by the City Commission and approved this 20th day of July, 1970.

WM. H. EHRENBERG
CHARLES J. RHODES
Clerk
July 25, 1970 H.P. Adv.

File No. D-1209-H
STATE OF MICHIGAN
IN THE CIRCUIT COURT
FOR THE COUNTY OF
BERRIEN

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING ON PETITION IN CONDEMNATION

ST. JOSEPH TOWNSHIP, A Michigan municipal corporation, Petitioner, vs. EDWARD J. KLEIN and EVELYN M. KLEIN, husband and wife, Respondents.

At session of said Court held in the Court House in the City of St. Joseph, Michigan, this 13th day of July, 1970.

PRESENT: HONORABLE JULIAN HUGHES, Circuit Judge.

On reading and filing the Petition duly verified by John L. Crow, attorney for Respondents Edward J. Klein and Evelyn M. Klein, husband and wife, and in which they have an interest, which lands are described as follows, to-wit:

That part of the former Michigan Central Railroad right-of-way in the center line of U.S. Highway 31 and 33, 45.6 feet E. of the center of Sec. 35, Twp. R19W, St. Joseph Twp., Berrien County, Michigan, lying between the Northern and Southern property lines across said former railroad right-of-way.

IT IS FURTHER ORDERED, that on that date and at such time and place as the Petition thereto attached shall appear and show cause, if any it has, why the prayer of said Petition should not be granted; and

IT IS FURTHER ORDERED, that a true copy of this Order be published once each week for three consecutive weeks in the Herald-Press, a newspaper published and circulated in the County of Berrien, and

IT IS FURTHER ORDERED, that a true copy of this Order with copy of said Petition thereto attached shall be served personally on Patrick J. McMullen, husband and wife, and each of them or so many of them as may be found in the County of Berrien, State of Michigan, at least six (6) days before the day fixed for hearing; and

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